



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/626,866

07/25/2003

Manuel Brocke-Benz

WEBER-0005

9788

23973

7590

11/15/2006

DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

EXAMINER

HARPER, LEON JONATHAN

ART UNIT

PAPER NUMBER

2166

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/626,866

Applicant(s)

BROCKE-BENZ, MANUEL

Examiner

Leon J. Harper

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6 and 8-23 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed 8/23/2006 has been entered. Claims 1-6 and 8-19 have been amended. Claim 7 has been cancelled, and claims 20-23 have been added. Accordingly Claims 1-6, 8-23 are pending in this office action.

Response to Arguments

Applicant's arguments with respect to claims 1-6 and 8-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-6, 8-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5903878 (hereinafter Ta) in view of US 6408303 (hereinafter Rich).

As for claim 1 Ta discloses: a data memory (See column 4 lines 60-63), a recording device for recording order data from a purchaser (See column 4 lines 50-55), a processing unit for storing the recorded order data in the data memory (See column 4 lines 62-65). While Ta does not differ substantially from the claimed invention the disclosure of a file device for the creation and output of a file which contains data fields which represent at least some of the order data, and a transmission device for the transmission of the file to the purchaser is not necessarily explicit. Rich however does explicitly disclose a file device for the creation and output of a file which contains data fields which represent at least some of the order data (See column 6 lines 45-50), and a transmission device for the transmission of the file to the purchaser (See column 5 lines 12-14). It would have been obvious to an artisan of ordinary skill in the pertinent art at the time of the invention to have incorporated the teaching of Rich into the system of Ta. The modification would have been obvious because organizations and purchasers often do not use data systems that conform to standard communication formats and therefore organizations and purchasers have a need to accept and send files and various formats (See Rich column 1 lines 45-50).

As for claim 2, the rejection of claim 1 is incorporated, and further Ta discloses: an access device for the purchaser to gain access to the recording device via a network (See column 3 lines 7-11).

As for claim 3, the rejection of claim 2 is incorporated, and further Ta discloses: wherein the file is transmitted to the purchaser via e-mail (See column 8 lines 22-24).

As for claim 4, the rejection of claim 1 is incorporated, and further Rich discloses: wherein the file is one of an ASCII, text, HTML, XML and database file (See column 6 lines 29-33).

As for claim 5, the rejection of claim 1 is incorporated, and further Rich discloses: a data field specifying device for the purchaser to specify the data fields contained in the file (See column 6 lines 45-49).

As for claim 6, the rejection of claim 1 is incorporated, and further Rich discloses: a data field sequence specifying device for the purchaser to specify a sequence of the data fields contained in the file (See column 6 lines 45-49).

As for claim 8, the rejection of claim 1 is incorporated, and further Ta discloses: an identification device for identifying the purchaser (See column 4 lines 54-56).

Art Unit: 2166

As for claim 9, the rejection of claim 8 is incorporated, and further Rich discloses: a profile recording device for recording purchaser profile data comprising purchaser identifying information (See column 6 lines 36-39), and at least one of purchaser specified field data, purchaser specified field data format, and purchaser field data sequence (See column 6 lines 39-47).

Claims 10-14 are method claims corresponding to system claims 1-3,5 and 6 respectively and are thus rejected for the same reasons as set forth in the rejection of claims 1-3, 5 and 6.

As for claim 15, the rejection of claim 10 is incorporated, and further Rich discloses: before the step of creating the file, the method comprises the step of specifying by the purchaser a file format of the file (See column 4 line 66- column 5 line 7).

As for claim 16, the rejection of claim 10 is incorporated, and further Ta discloses: before the step of creating the file, the method comprises the step of identifying the purchaser(See column 4 lines 54-56).

As for claim 17, the rejection of claim 10 is incorporated, and further Rich discloses: recording a purchaser profile comprising purchaser identifying information and at least one of purchaser selected data filed, a purchaser specified data field

Art Unit: 2166

format, a purchaser specified order data sequence and a purchaser specified file format (See column 6 lines 39-47).

As for claim 18, the rejection of claim 17 is incorporated, and further Rich discloses: using the purchaser profile to create the file (See column 6 lines 48-56).

As for claim 19, the rejection of claim 10 is incorporated, and further discloses: informing the purchaser of at least one of the data fields contained in the file, the format of the data fields contained in the file, the sequence of the data fields contained in the file, and the file format of the file (See column 6 lines 39-47).

As for claim 20, the rejection of claim 13 is incorporated, and further Rich discloses: receiving from the purchaser a format of at least one of the data fields, a sequence of the data fields, and a file format, wherein the selection of the data fields, the format of at least one of the data fields, the sequence of the data fields, and the tile format are specified by the purchaser so that the file can be imported into an application of the purchaser without converting the file to another format and without retyping or reformatting the data (See column 6 lines 39-56)..

As for claim 21, the rejection of claim 5 is incorporated, and further discloses: a file format specifying device for the 'purchaser to specify a format of the file (See column 7 lines 55-60), wherein the data field specifying device is configured for the purchaser to

Art Unit: 2166

specify data field formats and data field sequence contained in the file, so that the file can be imported into an application of the purchaser without converting the file to another format and without retyping or reformatting the data (See column 6 lines 39-47 note: everything is based on parameters contained in the list).

As for claim 22 Ta discloses: an access device for the purchaser to access the recording device via a network (See column 3 lines 7-11), an identifying device for identifying the purchaser(See column 4 lines 54-56), and a profile recording device for recording the purchaser profile data, wherein the purchaser profile data comprises purchaser identifying information, and at least one of the purchaser specified field data, the purchaser specified field data format, the purchaser specified field data sequence, and the purchaser specified file format. While Ta does not differ substantially from the claimed invention the disclosure a file device for retrieving the recorded data from the storage device and for creating and outputting a file containing data fields representing at least a portion of the order data, in accordance with the purchaser profile data, a transmission device for transmitting the tile to the purchaser via email, a data field specifying device for the purchaser to specify the data fields, data field formats, and data field sequence contained in the file, a file format specifying device for the purchaser to specify the format of the file, and a profile recording device for recording the purchaser profile data, wherein the purchaser profile data comprises purchaser identifying information, and at least one of the purchaser specified field data, the purchaser specified field data format, the purchaser specified field data sequence, and

Art Unit: 2166

the purchaser specified file format is not necessarily explicit. Rich however, does disclose a file device for retrieving the recorded data from the storage device and for creating and outputting a file containing data fields representing at least a portion of the order data, in accordance with the purchaser profile data, a transmission device for transmitting the tile to the purchaser via email (See column 6 lines 45-50), a data field specifying device for the purchaser to specify the data fields, data field formats, and data field sequence contained in the file, a file format specifying device for the purchaser to specify the format of the file (See column 6 lines 45-49). and a profile recording device for recording the purchaser profile data, wherein the purchaser profile data comprises purchaser identifying information, and at least one of the purchaser specified field data, the purchaser specified field data format, the purchaser specified field data sequence, and the purchaser specified file format (See column 6 lines 39-47). It would have been obvious to an artisan of ordinary skill in the pertinent art at the time of the invention to have incorporated the teaching of Rich into the system of Ta. The modification would have been obvious because organizations and purchasers often do not use data systems that conform to standard communication formats and therefore organizations and purchasers have a need to accept and send files and various formats (See Rich column 1 lines 45-50).

As for claim 23, discloses: receiving order data and purchaser identifying information from a purchaser via a network (See column 4 lines 54-56 and column 3 lines 7-11), storing the order data, and sending the file to the purchaser via email (See column 8 lines 22-24) While Ta does not differ substantially from the claimed invention the disclosure of receiving a selection by the purchaser of data fields representing at least a portion of the order data, a format of at least one of the data fields, a sequence of the data fields, and a file format, storing a purchaser profile comprising at least a portion of the purchaser identifying information, and the purchaser specified data fields, data field format, data field sequence, and file format, retrieving the order data and the purchaser profile, creating a file containing data of the order data using the purchaser profile. Rich however does explicitly disclose receiving a selection by the purchaser of data fields representing at least a portion of the order data (See column 6 lines 45-50), a format of at least one of the data fields, a sequence of the data fields, and a file format (See column 6 lines 45-49)., storing a purchaser profile comprising at least a portion of the purchaser identifying information (See column 6 lines 36-39) and the purchaser specified data fields, data field format, data field sequence, and file format, retrieving the order data and the purchaser profile, creating a file containing data of the order data using the purchaser profile (See column 6 lines 39-54). It would have been obvious to an artisan of ordinary skill in the pertinent art at the time of the invention to have incorporated the teaching of Rich into the system of Ta. The modification would have been obvious because organizations and purchasers often do not use data systems that conform to standard communication formats and therefore organizations and

Art Unit: 2166

purchasers have a need to accept and send files and various formats (See Rich column 1 lines 45-50).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2166

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJH
Leon J. Harper
November 13, 2006



**MOHAMMAD ALI
PRIMARY EXAMINER**